REMARKS

In the Office Action, Claims 1-12, 14, and 15 were pending. Claims 1, 2, and 8 are amended to more distinctly claim what Applicant regards as the present invention and are supported by the specification and claims as originally filed. Claims 16-33 are new. No subject matter has been relinquished by such amendments. No new matter is added by way of these amendments. Claims 3-5, 7, and 14-15 were cancelled without prejudice. Applicant reserves the right to pursue these claims, prior versions of the claims, and/or the cancelled claims in another application.

Applicant appreciates the Examiner's withdrawal of previous rejections under 35 U.S.C. § 102(b) and § 102(e).

In the Office Action, the Examiner rejected claims 1-12 and 14-15 under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,475,290 to Jones ("Jones") in view of U.S. Patent No. 3,609,089 to Cantrell et al. ("Cantrell") or U.S. Patent No. 6,008,261 to Genova et al. ("Genova"). In addition, the Examiner rejected claims 1-7 and 14-15 under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,376,451 to Teasdale et al. ("Teasdale") in view of Cantrell or Genova. Furthermore, the Examiner rejected claims 1-4 and 6-12 under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,871,590 to Hei et al. ("Hei") in view of Cantrell or Genova The Examiner also rejected claims 1-4 and 6-12 under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,525,255 to Leadingham et al. ("Leadingham") in view of Cantrell or Genova. Applicant respectfully traverses these rejections, and for the reasons detailed below, these rejections should be withdrawn and the claims, as amended, should be allowed to issue.

Applicant's Reply

In this Response, Applicant amends claims 1, 2, and 8, cancels claims 3-5, 7, and 13-15, adds claims 16-33, and addresses the Examiner's rejections. Support for the amendments to the claims can be found throughout the application. Amendments to the claims are being made solely to expedite prosecution and do not constitute an acquiescence to any of the Examiner's rejections. Applicant's silence with regard to the Examiner's rejections of the dependent claims constitutes a recognition by the Applicant that the rejections are moot based on Applicant's Amendment and Remarks relative to the independent claim from which the dependent claims depend.

I. Rejections under 35 U.S.C. §103(a)

In the Office Action, claims 1-12 and 14-15 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Jones in view of Cantrell or Genova.

To reject claims in an application under Section 103, an examiner must establish a *prima facie* case of obviousness. Using the Supreme Court's guidelines enunciated in *Graham v. John Deere*, 383 U.S. 1, 17 (1966), one determines "obviousness" as follows:

> Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined.

In *KSR Int'l Co. v. Teleflex Inc.*, the Supreme Court reaffirmed the *Graham* test, and indicated that although it should not be rigidity applied, a useful test for determining obviousness is to consider whether there is a teaching, suggestion or motivation in the prior art that would lead one of ordinary skill in the art to combine known elements of the prior art to

arrive at the claimed invention. *KSR*, 550 U.S. ___, 82 USPQ2d 1385, 1396 (2007)). Importantly, the Court emphasized that a patent Examiner's analysis under Section 103 must be made explicit and there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *Id.*

Independent claim 1, as amended, is directed to a composition suitable for use as a wash water additive in wash water in a vehicle wash. The wash water additive composition recited in claim 1 consists essentially of: from 1 to 10 weight % of a micro-organism for degrading a substance selected from the group consisting of oil, fat and organic material; from 0.1 to 2 weight % of a preservative; from 1 to 40 weight % of a part selected from the group consisting of a surfactant, a detergent, and the combination thereof; from 0.5 to 5 weight % of an alkali metal halide; and the balance being water. Independent claim 2, as amended, is directed to a composition suitable for use as a detergent composition in a vehicle wash. The detergent composition recited in claim 2 consists essentially of: from 1 to 10 weight % of a micro-organism for degrading a substance selected from the group consisting of oil, fat and organic material; from 0.1 to 2 weight % of a preservative; from 1 to 40 weight % of a part selected from the group consisting of a detergent or a detergent and a surfactant; from 0.5 to 5 weight % of an alkali metal halide; and the balance being water. Jones, considered alone or in combination with Cantrell or Genova, does not disclose or suggest the compositions as recited in claims 1 and 2.

Jones is directed to a method for the cleaning of a substrate such as a floor, a deck of vessel or a motor vehicle. Jones also is directed to a cleaning solution for substrates comprising a lignosulfonate, a pH adjusting agent, and hydrocarbon degrading microorganisms. (*See* col. 3, lines 28-33, examples 1-2, and claims 1-5). As acknowledged by the Examiner,

Jones does not disclose the inclusion of an alkali metal halide, and additionally not in the weight % recited in currently amended claims 1 and 2.

Claims 1 and 2 also recite, *inter alia*, "from 0.1 to 2 weight % of a preservative." This additional feature is not disclosed or suggested by Jones, and additionally not in the weight % recited. Further, Jones describes that about 80% to 91.5% by weight of the composition should be ammonium lignosulfonate (col. 3, lines 27-28), which the Examiner has previously stated is a surfactant. Assuming, *arguendo*, that is true, claims 1 and 2, in contrast, recite 1 to 40 weight % of a part selected from the group consisting of a surfactant, a detergent, and the combination thereof. Accordingly, Jones discloses a significantly higher proportion of surfactant than recited in claims 1 and 2. Therefore, Jones does not disclose or suggest all of the features of claims 1 or 2, and claims 1 and 2 are not anticipated or rendered obvious by Jones.

Further, there is no motivation, articulated reasoning, or rational underpinning for one skilled in the art to alter the composition disclosed in Jones to include an alkali metal halide. Cantrell discloses a process for cleaning road vehicles with a dilute aqueous solution of a cleaning composition comprising, *inter alia*, an alkali metal chloride. Cantrell states that "although alkali metal chlorides are not ordinarily considered to have any significant cleaning activity, it has been found that in the unique composition of this invention, they function to provide a greatly increased overall cleaning activity". (col. 2, lines 23-27). This is a clear teaching that the addition of alkali metal chlorides is only useful for the particular composition disclosed in Cantrell and that this is not a discovery of general application. Thus, Cantrell actually teaches away from the addition of alkali metal halide to other cleaning compositions, and one of ordinary skill in the art would not therefore consider adding an alkali metal halide to

the composition of Jones because there would be no likelihood of success in increasing the cleaning activity.

Genova relates to aqueous surfactant compositions comprising an anionic surfactant or a mixture of anionic surfactants, an alkyl ester of lactic acid or a mixture of alkyl esters of lactic acid and, optionally, an electrolyte. For the same reason discussed above for Cantrell, a person of ordinary skill in the art would not think to add alkali metal halides to cleaning products because there is no likelihood of success in increasing the cleaning activity. Assuming, *arguendo*, that Jones and Genova were combined, the combination still does not disclose or suggest the weight % of alkali metal chloride recited in claims 1 and 2.

Assuming, *arguendo*, that the combination of Jones and Cantrell or Genova was proper, it still does not disclose or suggest all of the features of claim 1 or claim 2. As discussed above, the cited art fails to disclose the specific weight % of preservative recited in claims 1 and 2, and Jones discloses a significantly higher proportion of surfactant than recited in claims 1 and 2. Therefore, claims 1 and 2 are patentable over the cited art for at least these reasons.

Since claim 1 is allowable, claims 6, 8-12 and 16-33 depending therefrom are also allowable.

Claims 1-7 and 14-15 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Teasdale in view of Cantrell or Genova.

Teasdale discloses an aqueous hard surface cleaning composition containing anionic and nonionic surfactants, an enzyme mixture for breaking down organic compounds, a nonpathogenic bacteria, a buffer, and water. (*See* Teasdale, col. 1, line 43 – col. 2, line 3 and claims 1-8). As acknowledged by the Examiner, Teasdale does not disclose or suggest the inclusion of an alkali metal halide, and additionally not in the weight % recited in claims 1 and 2.

Additionally, Teasdale also requires that the composition contains an enzyme mixture and a buffer, neither of which are components of the compositions recited in Claim 1 or 2.

As discussed above, Cantrell teaches away from the addition of alkali metal halides to other cleaning compositions. For the same reasons as above, there is no motivation or articulated reasoning to combine Teasdale and Cantrell or Genova because one of ordinary skill in the art would not expect it to increase the cleaning activity. Assuming, *arguendo*, that such a combination were proper, it does not disclose or suggest all of the features of claim 1 or claim 2, as discussed above. Therefore, claims 1 and 2 are patentable over the cited art for at least these reasons.

Since claim 1 is allowable, claims 6, 8-12 and 16-33 depending therefrom are also allowable.

Claims 1-4 and 6-12 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Hei in view of Cantrell or Genova.

Hei discloses a touchless car wash aqueous concentrate composition that can be diluted with water to form an aqueous use solution. (*See* col. 4, line 25 – col. 5, line 11 and claim 1). As acknowledged by the Examiner, Hei does not disclose or suggest the inclusion of an alkali metal halide, and additionally not in the weight % recited in claims 1 and 2. Hei also requires that the composition contains an alkyl ether amine or an alkyl ether diamine, neither of which are components of the compositions recited in Claim 1 or 2.

As discussed above, Cantrell teaches away from the addition of alkali metal halides to other cleaning compositions. For the same reasons as above, there is no motivation or articulated reasoning to combine Hei and Cantrell or Genova because one of ordinary skill in the art would not expect it to increase the cleaning activity. Assuming, *arguendo*, that such a

combination were proper, it does not disclose or suggest all of the features of claim 1 or claim 2, as discussed above. Therefore, claims 1 and 2 are patentable over the cited art for at least these reasons.

Since claim 1 is allowable, claims 6, 8-12 and 16-33 depending therefrom are also allowable.

Claims 1-4 and 6-12 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Leadingham in view of Cantrell or Genova.

Leadingham discloses a cleaning agent composition containing a surfactant, nonylphenol ethoxylate, and a wetting agent alkane sulfonate, for removing oils and greases from the surfaces of objects. (*See* Leadingham, claim 1). As acknowledged by the Examiner, Leadingham does not disclose or suggest the inclusion of an alkali metal halide, and additionally not in the weight % recited in claims 1 and 2. Leadingham also requires that the composition contains a wetting agent, which is not a component of the compositions recited in Claim 1 or 2.

As discussed above, Cantrell teaches away from the addition of alkali metal halides to other cleaning compositions. For the same reasons as above, there is no motivation or articulated reasoning to combine Leadingham and Cantrell or Genova because one of ordinary skill in the art would not expect it to increase the cleaning activity. Assuming, *arguendo*, that such a combination were proper, it does not disclose or suggest all of the features of claim 1 or claim 2, as discussed above. Therefore, claims 1 and 2 are patentable over the cited art for at least these reasons.

Since claim 1 is allowable, claims 6, 8-12 and 16-33 depending therefrom are also allowable.

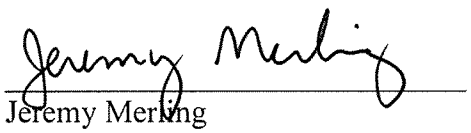
II. CONCLUSION

Applicant submits that this Amendment After Final and the accompanying Remarks do not raise new issues for consideration or necessitate the undertaking of any additional search of the art by the Examiner. This Amendment After Final should therefore allow for immediate action by the Examiner.

Applicant also submits that entry of this Amendment After Final and the accompanying remarks would place the present application in better form for appeal, should the Examiner dispute the patentability of any of the pending claims.

On the basis of the foregoing Amendments and remarks, Applicant respectfully submits that the pending claims of the present application are allowable over the prior art of record. Applicant thus respectfully requests the previous rejections be withdrawn, and that the pending claims be allowed by the Examiner. Favorable consideration and timely allowance of this application are respectfully requested.

Respectfully submitted,



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